

## PATENT COOPERATION TREATY

PCT

## NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents  
United States Patent and Trademark  
Office  
Box PCT  
Washington, D.C. 20231  
ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

|   |   |
|---|---|
| Date of mailing (day/month/year)<br>07 March 2000 (07.03.00)          |   |
| International application No.<br>PCT/CA99/00598                       | Applicant's or agent's file reference<br>1669-107         |
| International filing date (day/month/year)<br>30 June 1999 (30.06.99) | Priority date (day/month/year)<br>30 June 1998 (30.06.98) |
| Applicant<br>ROWLEDGE, Darrel   |   |

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

25 January 2000 (25.01.00)

☐ in a notice effecting later election filed with the International Bureau on:2. The election ☒ was☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

Authorized officer

Olivia RANAIVOJAONA

Telephone No.: (41-22) 338.83.38

**INTERNATIONAL SEARCH REPORT**

(PCT Article 18 and Rules 43 and 44)

|  |   |  |
|--|---|--|
| Applicant's or agent's file reference<br><b>1669-107</b> | <b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below. |  |
| International application No.<br><b>PCT/CA 99/ 00598</b> | International filing date (day/month/year)<br><b>30/06/1999</b>   | (Earliest) Priority Date (day/month/year)<br><b>30/06/1998</b> |
| Applicant<br><br><b>ROWLEDGE, Darrel</b>                 |   |  |

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 2 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☒ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

1  
☐ None of the figures.

# INTERNATIONAL SEARCH REPORT

National Application No  
PCT/CA 99/00598

**A. CLASSIFICATION OF SUBJECT MATTER**  
IPC 7 G08G1/16

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)  
IPC 7 B60Q

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

| Category ° | Citation of document, with indication, where appropriate, of the relevant passages                               | Relevant to claim No. |
|------------|--|-----------------------|
| X ✓        | US 5 237 306 A (ADELL ROBERT)<br>17 August 1993 (1993-08-17)<br>column 6, line 6 - line 26; figures<br>1-8,33-37 | 1, 10                 |
| A          | -----  | 2-9,<br>11-21         |
| A ✓        | US 5 663 706 A (FRANCIS JOSEPH A)<br>2 September 1997 (1997-09-02)<br>figures 1-3                                | 16                    |
| P, X ✓     | WO 98 51535 A (POLLIN ROBERT E)<br>19 November 1998 (1998-11-19)<br>page 6, line 1 - line 18                     | 1, 10                 |
| P, X ✓     | US 5 914 651 A (SMALLS BRYAN H)<br>22 June 1999 (1999-06-22)<br>the whole document                               | 1, 10                 |

☐ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

° Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

29 October 1999

Date of mailing of the international search report

05/11/1999

Name and mailing address of the ISA

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Authorized officer

Crechet, P

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/CA 99/00598

| Patent document<br>cited in search report |   | Publication<br>date | Patent family<br>member(s) | Publication<br>date |
|---|---|---------------------|----------------------------|---------------------|
| US 5237306                                | A | 17-08-1993          | NONE                       |                     |
| US 5663706                                | A | 02-09-1997          | NONE                       |                     |
| WO 9851535                                | A | 19-11-1998          | AU 3116797 A               | 08-12-1998          |
| US 5914651                                | A | 22-06-1999          | NONE                       |                     |

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

JARZYNA, A.  
MOFFAT & CO.  
P.O. Box 2088, Station "D"  
OTTAWA, ONTARIO K1P 5W3  
CANADA

PCT

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing  
(day/month/year) 10.08.2000

Applicant's or agent's file reference  
1669-107

## IMPORTANT NOTIFICATION

International application No.  
PCT/CA99/00598

International filing date (day/month/year)  
30/06/1999

Priority date (day/month/year)  
30/06/1998

Applicant  
ROWLEDGE, Darrel

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

## 4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/



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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



|  |   |  |
|--|---|--|
| Applicant's or agent's file reference<br>1669-107  | <b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) |  |
| International application No.<br>PCT/CA99/00598  | International filing date (day/month/year)<br>30/06/1999  | Priority date (day/month/year)<br>30/06/1998 |
| International Patent Classification (IPC) or national classification and IPC<br>G08G1/16 |   |  |
| Applicant<br>ROWLEDGE, Darrel  |   |  |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.
  - ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 9 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☐ Certain observations on the international application

|   |  |
|---|--|
| Date of submission of the demand<br><br>25/01/2000  | Date of completion of this report<br><br>10.08.2000  |
| Name and mailing address of the international preliminary examining authority:<br> European Patent Office<br>D-80298 Munich<br>Tel. +49 89 2399 - 0 Tx: 523656 epmu d<br>Fax: +49 89 2399 - 4465 | Authorized officer<br><br>Fritzsche, H-V<br><br>Telephone No. +49 89 2399 2394  |

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/CA99/00598

**I. Basis of the report**

1. This report has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

**Description, pages:**

1,5-11 as originally filed

2-4,4a as received on 21/07/2000 with letter of 21/07/2000

**Claims, No.:**

1-17 as received on 21/07/2000 with letter of 21/07/2000

**Drawings, sheets:**

1/6-6/6 as originally filed

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☒ the claims, Nos.: 18-21  
☐ the drawings, sheets:

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/CA99/00598

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

|                               |      |        |               |
|-------------------------------|------|--------|---------------|
| Novelty (N)                   | Yes: | Claims | 1-17          |
|                               | No:  | Claims |               |
| Inventive step (IS)           | Yes: | Claims | 3,8-11        |
|                               | No:  | Claims | 1,2,4-7,12-17 |
| Industrial applicability (IA) | Yes: | Claims | 1-17          |
|                               | No:  | Claims |               |

**2. Citations and explanations**

**see separate sheet**

**VII. Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

**see separate sheet**



**Re Item V**

**Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

Reference is made to the following document:

D1: US-A-5 237 306 (ADELL ROBERT) 17 August 1993 (1993-08-17)

1. The document D1 is regarded as being the closest prior art to the subject-matter of **claim 1**, and discloses (the references in parentheses applying to this document):  
A cooperative advance warning system (abstract) for use on a vehicle to warn drivers of oncoming vehicles of an upcoming, unexpected road hazard comprising:  
a lamp mounted on the vehicle (Fig.7: 90) in a location where light emitted by the lamp is visible to drivers of the oncoming vehicles;  
a switch means (61,81,abstract, col.6, lines 6-27) connected to the lamp for activating and deactivating the lamp, the switch means mounted to the vehicle in a location that is easily  
accessible to the driver of the vehicle; and  
an electronic control means (78) connected to the lamp for controlling the characteristics of the light emitted by the lamp  
said electronic control means being capable of causing said lamp to flash on and off at a pre- determined frequency.
- 1.1 In consequence, the advance warning system claimed in claim 1 differs from the system known from document D1 in that  
said frequency being variable depending on the length of time said lamp has been activated.  
The problem to be solved by the present invention may therefore be regarded as creating a system which sufficiently alerts the driver of an oncoming vehicle.

The solution is however a simple feature. This feature might be a system which changes the flashing frequency between two frequencies. If two frequencies are used one after the other the present frequency is depending on the length of time. This changing of frequency clearly alerts oncoming drivers very well.  
Consequently, the skilled person would regard it a normal design procedure to

combine all the features set out in claim 1.

Thus, the subject-matter of **claim 1** does not involve an inventive step and does not satisfy the criterion set forth in Article 33(3) PCT.

2. In this general version of claim 1 no information about the distance of the upcoming hazard can be given. Consequently, the problem as stated on page 2 cannot be solved with this feature.

It appears that the intention of the applicant was to claim a feature similar to the feature shown in the description on page 6, lines 19/20. This is an essential feature to solve the problem. If the claim were reformulated accordingly it would include an inventive step.

3. The features of **claim 2** are known from D1, column 6, lines 27-39 (40).  
Thus, the subject-matter of claim 2 does not involve an inventive step and does not satisfy the criterion set forth in Article 33(3) PCT.

4. The feature of **claim 3** is not known nor hinted from the documents of the search report. This feature can solve the problem and inform the oncoming driver about the distance to the road hazard.

The subject-matter of claim 3 therefore meets the requirements of articles 33(2) and 33(3) PCT.

5. If the term cadence (claim 4) were interpreted as being "the measure or beat of sound or movement", then this feature could not support an inventive step, since every flashing has a beat. Additionally, a complex flashing is shown in D1, Fig.32 (e.g. flashing "h").

The features of claim 5 are known from D1.

The in-use indicator of claim 6 is generally known. The features of claim 7 are generally known.

Thus, the subject-matter of claims 4 to 7 does not involve an inventive step and does not satisfy the criterion set forth in Article 33(3) PCT.

6. **Claim 8** is very similar to claim 3 and consequently also meets the requirements of articles 33(2) and 33(3) PCT.

**Claims 9-11** contain modifications of the inventive idea embodied in claim 8 and also meet the requirements of Articles 33(2) and 33(3) PCT.

7. The other dependent claims contain only minor features known from document D1 or are well known to the man skilled in the art. The subject-matter of these claims is accordingly lacking inventive step contrary to Article 33(3), PCT.

**Re Item VII**

**Certain defects in the international application**

The features of the claim/s are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).